

Hand Delivery

Attorney Docket No.: 21465-501 CIP DIV

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Rothberg et al.

ITEM NUMBER: 10/788,529

EXAMINER: Not Yet Assigned

FILING DATE: February 26, 2004

ART UNIT: 1645

FOR: *Method of Sequencing a Nucleic Acid*

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Transmitted herewith for filing in the present application are the following documents:

1. Information Disclosure Statement (2 pages), in duplicate;
2. Modified Form 1449/PTO (10 pages), in duplicate;
3. Cited References B18-B89 and C67-C72; and
4. Return Postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (212) 935-3000.

The Commissioner is authorized to charge any fees that may be due to the undersigned's account, Deposit Account No. 50-0311 Ref. No. 21465-501 CIP DIV. Please address all correspondence to customer number 35437. A duplicate copy of this transmittal letter is enclosed herewith.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ivor Elrifi".

Ivor Elrifi, Reg. No. 39,529
Caryn DeHoratius, Reg. No. 45,881
Attorneys for Applicants
c/o MINTZ, LEVIN, COHN, FERRIS
GLOVSKY & POPEO P.C.
Chrysler Center
666 Third Avenue, 24th Floor
New York, New York 10017
Phone: (212) 935-3000
Fax: (212) 983-3115

Dated: May 12, 2005



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Rothberg et al.

SERIAL NUMBER: 10/788,529

EXAMINER: Not Yet Assigned

FILING DATE: February 26, 2004

ART UNIT: 1645

FOR: *Method of Sequencing a Nucleic Acid*

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicant hereby makes of record the documents listed on the attached modified Form PTO-1449 (submitted in duplicate) in the above-identified application. Copies of the foreign patent documents and non-patent literature documents are submitted herewith. Copies of the U.S. patents and published applications are not required to be submitted since this application was filed after June 30, 2003 (see MPEP § 609 (III)(A)(2)).

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-identified application. Accordingly, no fee or certification is believed to be required.

It is respectfully requested that the Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims. It is also respectfully requested that the Examiner initial, sign and date, and return a copy of the signed modified Form PTO-1449 with the next U.S. Patent and Trademark Office communication, to evidence that the cited information has been fully considered by the U.S. Patent and Trademark Office during the examination of this application.

By submitting this Information Disclosure Statement, the Applicants make no representation that: (1) a search has been performed, the extent of any search performed, or that more relevant information does not exist; (2) the information cited in the Statement is, or is

considered to be, material to patentability as defined in 37 C.F.R. §1.56(b); and (3) the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

The order of presentation of the references should not be construed as an indication of the importance of the references. The Examiner is urged to form his/her own conclusion regarding the relevance of the cited information.

Please charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 21465-501 CIP DIV.

Respectfully submitted,



Ivor Elrifi, Reg. No. 39,529
Caryn DeHoratius, Reg. No. 45,881
Attorneys for Applicants
c/o MINTZ, LEVIN, COHN, FERRIS
GLOVSKY & POPEO P.C.
Chrysler Center
666 Third Avenue, 24th Floor
New York, New York 10017
Phone: (212) 935-3000
Fax: (212) 983-3115

Dated: May 12, 2005

**MINTZ LEVIN
COHN FERRIS
GLOVSKY AND
POPEO PC**

*Boston
Washington
Reston
New York
Stamford
Los Angeles
London*

*Chrysler Center
666 Third Avenue
New York, New York 10017
212 935 3000
212 983 3115 fax
www.mintz.com*

COPY

**Caryn DeHoratius, Ph.D.
Attorney**

*Direct dial 212-692-6240
cdohoratius@mintz.com*

May 11, 2005



VIA FEDERAL EXPRESS

Ms. Amy Hunt
Landon IP
1700 Diagonal Road, Suite 450
Arlington, VA 22314

Hand Carry to The United States Patent & Trademark Office
Group Art Unit: 1645; Patent Application No.: 10/788,529;
Filed: March 21, 2001; Title: *Method of Sequencing a Nucleic Acid*
Our Reference No.: 21465-501 CIP DIV

Dear Ms. Hunt:

Would you kindly hand carry the enclosed Information Disclosure Statement, and accompanying documents to the United States Patent & Trademark Office on Thursday, May 12, 2005? The accompanying documents can be found enclosed with this letter, and the cited references are enclosed in two boxes sent under separate cover. Please confirm by telephone that you have done so, and forward your invoice to me at the above New York address for this service.

If you have any questions, please do not hesitate to give me a call at (212) 692-6240.

Best regards,

A handwritten signature in black ink, appearing to read "CDH".

Caryn DeHoratius

CDH:sbk
Enclosures

Hand Delivery for May 12, 2005

Attorney Docket No.: 21465-501 CIP DIV

Page 1 of 10

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PTO/SB (12-97)
OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Modified Form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Application Number	10/788,529
		Filing Date	02/26/04
		First Named Inventor	Rothberg
		Group Art Unit	1645
		Examiner Name	Not Yet Assigned
		Attorney Docket Number	21465-501 CIP DIV

U.S. PATENT DOCUMENTS						
Exam Initials	Cite No.	U.S. Patent Document No.	Issue Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class
	A1	4,811,218	03/07/89	Hunkapiller et al.		
	A2	4,863,849	09/05/89	Melamede		
	A3	5,171,534	12/15/92	Smith et al.		
	A4	5,602,509	04/12/94	Cheeseman		
	A5	5,445,934	08/29/95	Fodor et al.		
	A6	5,525,464	06/11/96	Drmanac and Crkvenjakov		
	A7	5,604,097	02/18/97	Brenner		
	A8	5,648,245	07/15/97	Fire and Xu		
	A9	5,714,320	02/03/98	Kool		
	A10	5,728,529	03/17/98	Metzker and Gibbs		
	A11	5,800,992	09/01/98	Fodor et al.		
	A12	5,821,058	10/13/98	Smith et al.		
	A13	5,830,662	12/03/98	Soares and Efstratiadis		
	A14	5,834,252	11/10/98	Stemmer and Lipshutz		
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	A16	5,846,727	12/08/98	Soper et al.		
	A17	5,854,033	12/29/98	Lizardi		
	A18	5,851,772	12/22/98	Mirzabekov et al.		
	A19	5,871,697	02/16/99	Rothberg et al.		
	A20	5,882,874	03/16/99	Fisher		
	A21	5,928,905	07/29/99	Stemmer and Lipshutz		
	A22	4,971,903	11/20/90	Hyman		
	A23	4,683,195	07/28/87	Mullis et al		
	A24	4,683,202	07/28/87	Mullis		
	A25	4,822,746	04/18/89	Walt		
	A26	4,965,188	10/23/90	Mullis et al.		
	A27	5,114,984	05/19/92	Branch et al.		
	A28	5,143,853	09/01/92	Walt		
	A29	5,244,636	09/14/93	Walt et al.		
	A30	5,250,264	10/05/93	Walt et al.		
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Exam Initials	Cite No.	U.S. Patent Document No.	Issue Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate
	A33	5,298,741	03/29/94	Walt et al.			
	A34	5,320,814	06/14/94	Walt et al.			
	A35	5,405,746	04/11/95	Uhlen			
	A36	5,429,807	07/04/95	Matson et al.			
	A37	5,436,327	07/25/95	Southern et al.			
	A38	5,512,490	04/30/96	Walt et al.			
	A39	5,534,424	07/09/96	Uhlen et al.			
	A40	5,633,972	05/27/97	Walt et al.			
	A41	5,700,637	12/23/97	Southern			
	A42	5,716,785	02/10/98	Van Gelder et al.			
	A43	5,744,305	04/28/98	Fodor et al.			
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	A45	5,770,367	06/23/98	Southern et al.			
	A46	5,780,231	07/14/98	Brenner			
	A47	5,795,716	08/18/98	Chee et al.			
	A48	5,814,524	09/29/98	Walt et al.			
	A49	5,871,928	02/16/99	Fodor et al.			
	A50	5,891,636	04/06/99	Van Gelder et al.			
	A51	5,900,481	05/04/99	Lough et al.			
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	A53	6,013,445	01/11/00	Albrecht et al.			
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	A59	6,133,436	10/17/00	Koster et al.			
	A60	6,136,543	10/24/00	Anazawa et al.			
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	A75	6,355,431	03/12/02	Chee et al.			
	A76	2001/0006630	07/05/01	Yacoby-Zeevi			
	A77	2001/0041335	11/15/01	Goldberg et al.			
	A78	2002/0009729	01/24/02	McGall et al.			
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	A80	6,146,593	11/14/00	Pinkel et al.			
	A81	5,445,971	08/95	Rohr			
	A82	5,919,673	07/99	Wong et al.			
	A83	5,888,819	03/30/99	Goelet et al.			
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	A87	5,244,813	09/14/93	Walt et al.			
	A88	5,354,825	10/11/94	Klainer et al.			
	A89	5,480,723	01/02/96	Klainer et al.			
	A90	5,700,897	12/23/97	Klainer et al.			
	A91	5,837,832	11/17/98	Chee et al.			
	A92	5,856,104	01/05/99	Chee et al.			
	A93	5,861,242	01/19/99	Chee et al.			
	A94	5,974,164	10/26/99	Chee			
	A95	6,013,440	01/11/00	Lipshutz et al.			
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	A97	6,027,880	02/22/00	Cronin et al.			
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	A100	6,156,501	12/05/00	McGall et al.			
	A101	6,228,575	05/08/01	Gingeras et al.			
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	A113	6,377,721	04/23/02	Walt et al.			
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	A118	6,440,677	08/27/02	Lipshutz et al.			
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	A125	6,607,887	08/19/03	Chee			
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	A129	6,663,832	12/16/03	Lebl et al.			
	A130	6,667,159	12/23/03	Walt et al.			
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	A134	6,742,004	05/25/04	Sabatini et al.			
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	A137	2001/0053526	12/20/01	Lipshutz et al.			
	A138	2002/0001801	01/03/02	Fan et al.			
	A139	2002/0006617	01/17/02	Fan et al.			
	A140	2002/0009719	01/24/02	Walt et al.			
	A141	2002/0012913	01/31/02	Gunderson et al.			
	A142	2002/0012925	01/31/02	Chee			
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	A152	2002/0122612	09/05/02	Walt et al.			
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	A154	2002/0132241	09/19/02	Fan et al.			
	A155	2002/0150909	10/17/02	Stuepnagel et al.			
	A156	2002/0172716	11/21/02	Walt et al.			
	A157	2002/0172946	11/21/02	Fan et al.			
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U.S. PATENT DOCUMENTS							
Exam Initials	Cite No.	U.S. Patent Document No.	Issue Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate
	A159	2002/0187515	12/12/02	Chee et al.			
	A160	2003/0003490	01/02/03	Fan et al.			
	A161	2003/0013114	01/16/03	Lipshutz et al.			
	A162	2003/0016897	01/23/03	Walt et al.			
	A163	2003/0064364	04/03/03	Lockhart et al.			
	A164	2003/0096239	05/22/03	Gunderson et al.			
	A165	2003/0104434	06/05/03	Fan et al.			
	A166	2003/0108867	06/12/03	Chee et al.			
	A167	2003/0134291	07/17/03	Lipshutz et al.			
	A168	2003/0157504	08/21/03	Chee et al.			
	A169	2003/0165823	09/04/03	Cronin et al.			
	A170	2003/0165830	09/04/03	Cronin et al.			
	A171	2003/0170684	09/11/03	Fan			
	A172	2003/0175773	09/18/03	Chee et al.			
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	A174	2003/0211489	11/13/03	Shen et al.			
	A175	2003/0215821	11/20/03	Gunderson et al.			
	A176	2003/0215841	11/20/03	Lockhart et al.			
	A177	2004/0018491	01/29/04	Gunderson et al.			
	A178	2004/0072202	04/15/04	McGall et al.			
	A179	2004/0076987	04/22/04	McGall et al.			
	A180	2004/0114456	06/17/04	Winkler et al.			
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	A182	2004/0137498	07/15/04	Fan et al.			
	A183	2004/0175718	09/09/04	Chee et al.			
	A184	2004/0185482	09/23/04	Stuelpnagel et al.			
	A185	2004/0185483	09/23/04	Stuelpnagel et al.			
	A186	2003/0027129	02/06/03	Walt et al.			

FOREIGN PATENT DOCUMENTS						
Exam Initials	Cite No.	Foreign Patent Document Office Number	Name of Patentee(s) or Applicant(s)	Date of Publication	Translation Yes	Translation No
	B1*	WO 97/41260	Genescape	11/06/97		
	B2*	WO 98/08973	Cancer Research Campaign Tech. Ltd.	03/05/98		
	B3*	WO 98/13523	Pyrosequencing AB	04/02/98		
	B4*	WO 98/44151	Glaxo Group Ltd.	10/08/98		
	B5*	WO 98/44152	Glaxo Group Ltd.	10/08/98		
	B6*	WO 98/53300	Lynx Therapeutics	11/26/98		
	B7*	WO 99/07896	CuraGen Corporation	02/18/99		
	B8*	WO 99/15702	Life Technologies, Inc.	04/01/99		
	B9*	WO 99/28494	Packard BioScience Company	06/10/99		
	B10*	WO 99/30823	Packard BioScience B.V.	06/24/99		
	B11*	WO 99/36576	Packard BioScience Company	07/22/99		

FOREIGN PATENT DOCUMENTS						
Exam Initials	Cite No.	Foreign Patent Document Office	Number	Name of Patentee(s) or Applicant(s)	Date of Publication	Translation Yes No
	B12*	WO	99/53102	Packard BioScience Company	10/21/99	
	B13**	WO	97/19193	Yale University	05/29/97	
	B14**	WO	97/27326	The Regents of the University of California	07/31/97	
	B15**	WO	98/50782	Trustees of Tufts College	11/12/98	
	B16**	WO	98/20019	Sequenom, Inc.	05/14/98	
	B17**	WO	98/35012	Eugene Y. Chan	08/13/98	
	B18	EP	1 090 293	Illumina, Inc.	12/29/99	
	B19	EP	1 196 630	Illumina, Inc.	10/26/00	
	B20	WO	88/05533	Kelsius, Inc.	07/28/88	
	B21	WO	93/21513	Trustees of Tufts College	10/28/93	
	B22	WO	94/12863	Trustees of Tufts College	06/09/94	
	B23	WO	95/11995	Affymax Technologies	05/04/95	
	B24	WO	97/27317	Affymetrix, Inc.	07/31/97	
	B25	WO	97/29212	Affymetrix, Inc.	08/14/97	
	B26	WO	98/18967	Affymetrix, Inc.	05/07/98	
	B27	WO	98/30883	Affymetrix, Inc.	07/16/98	
	B28	WO	98/38846	Affymetrix, Inc.	09/11/98	
	B29	WO	98/40726	Trustees of Tufts College	09/17/98	
	B30	WO	98/41657	Affymetrix, Inc.	09/24/98	
	B31	WO	98/56954	Affymetrix, Inc.	12/17/98	
	B32	WO	98/58529	Affymetrix, Inc.	12/30/98	
	B33	WO	99/14228	Affymetrix, Inc.	03/25/99	
	B34	WO	99/18434	Trustees of Tufts College	04/15/99	
	B35	WO	99/39004	Affymetrix, Inc.	08/05/99	
	B36	WO	99/45357	Trustees of Tufts College	09/10/99	
	B37	WO	00/11223	Affymetrix, Inc.	03/02/00	
	B38	WO	00/13004	Trustees of Tufts College	03/09/00	
	B39	WO	00/16101	Trustees of Tufts College	03/23/00	
	B40	WO	00/29832	Tufts University	05/25/00	
	B41	WO	00/60332	Trustees of Tufts College	10/12/00	
	B42	WO	01/12862	Illumina, Inc.	02/22/01	
	B43	WO	01/41918	Illumina, Inc.	06/14/01	
	B44	WO	01/69245	Trustees of Tufts College	09/20/01	
	B45	WO	02/28530	Trustees of Tufts College	04/11/02	
	B46	WO	02/41987	Tufts University	05/30/02	
	B47	WO	02/99982	Illumina, Inc.	12/12/02	
	B48	EP	0 373 203	Isis Innovation Limited	08/31/94	
	B49	EP	0 619 321	Affymax Technologies N.V.	01/07/99	
	B50	WO	89/10977	Isis Innovation Limited	11/16/98	
	B51	WO	98/28440	Pyrosequencing AB	07/02/99	
	B52	WO	99/05315	Medical Biosystems LTD	02/04/99	
	B53	WO	99/60007	Isis Innovation Limited	11/25/99	

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	B56	WO	99/67641	Illumina, Inc.	12/29/99	
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